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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. **2013-168**

13 **AGATH SALOMON**  
**AKA AGATH AMAZAN**

**STATEMENT OF ISSUES**

14 Respondent.

15 Complainant alleges:

16 **PARTIES**

17 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely  
18 in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
19 Department of Consumer Affairs.

20 2. On or about September 23, 2009, the Board received an application for a registered  
21 nurse license from Agath Salomon aka Agath Amazan ("Respondent"). On or about December  
22 14, 2008, Respondent certified under penalty of perjury to the truthfulness of all statements,  
23 answers, and representations in the application. The Board denied the application on December  
24 29, 2011.

25 **STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2736 provides, in pertinent part, that  
27 the Board may deny a license when it finds that the applicant has committed any acts constituting  
28 grounds for denial of licensure under section 480 of that Code.

1           4.       Code section 480 states, in pertinent part:

2                   (a) A board may deny a license regulated by this code on the grounds that  
3           the applicant has one of the following:

4                   ....

5                   (2) Done any act involving dishonesty, fraud or deceit with the intent to  
6           substantially benefit himself or another, or substantially injure another . . .

7           5.       Code section 123 states, in pertinent part:

8                   It is a misdemeanor for any person to engage in any conduct which  
9           subverts or attempts to subvert any licensing examination or the administration of an  
10           examination . . .

11           6.       Code section 496 states that "[a] board may deny, suspend, revoke, or otherwise  
12           restrict a license on the ground that an applicant or licensee has violated Section 123 pertaining to  
13           the subversion of licensing examinations."

14                               **FIRST CAUSE FOR DENIAL**

15                               **(Subversion of NCLEX-RN Examination)**

16           7.       On or about September 23, 2009, the Board received Respondent's application for  
17           licensure as a registered nurse license, as set forth in paragraph 2 above.

18           8.       On or about November 1, 2009, the Board notified Respondent that she was eligible  
19           to take the National Council Licensure Examination (NCLEX-RN).

20           9.       On or about December 22, 2009, Respondent took the NCLEX-RN examination and  
21           failed.

22           10.      In or about June 2010, Respondent submitted a Request for Reapplication/Repeat  
23           Examination to the Board.

24           11.      On or about September 9, 2010, Respondent took the NCLEX-RN examination a  
25           second time and failed.

26           12.      In or about October 2010, Respondent submitted a Request for Reapplication/Repeat  
27           Examination to the Board.

28           13.      On or about March 11, 2011, Respondent took the NCLEX-RN examination at the  
Pearson Professional Center in Manhattan, New York. Prior to taking the examination,  
Respondent agreed to comply with the NCLEX- RN Examination Candidate Rules, including the

1 following: "Cell/mobile phones, pagers or any electronic devices may not be accessed at all  
2 during your examination appointment (including breaks)".

3 14. Respondent's application is subject to denial pursuant to Code section 496 in that  
4 Respondent subverted or attempted to subvert the NCLEX examination, or the administration of  
5 the examination, as follows: Respondent was observed making a cell phone call during her break,  
6 in violation of the NCLEX Examination Candidate Rules (using a prohibited aid during the  
7 examination).

8 **SECOND CAUSE FOR DENIAL**

9 **(Dishonesty, Fraud or Deceit)**

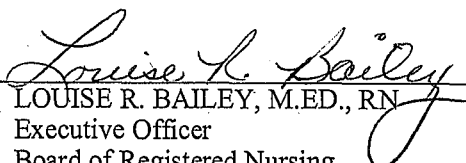
10 15. Respondent's application is subject to denial pursuant to Code section 480,  
11 subdivision (a)(2), in that she committed an act involving dishonesty, fraud, or deceit with the  
12 intent to substantially benefit herself or another, or substantially injure another, as set forth in  
13 paragraph 14 above.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Denying the application of Agath Salomon aka Agath Amazan for a registered nurse  
18 license;  
19 2. Taking such other and further action as deemed necessary and proper.

20  
21 DATED: September 6, 2012

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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